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Sent: Friday, September 29, 2023 12:00 AM
To: Licensing <Licensing.Licensing@haringey.gov.uk>
Subject: Noya Rep: Noise

Memorandum: Licensing Act 2003

Date: 28 th September 2023	Ref: WK/000578366
From: Jennifer Barrett, Noise and Nuisance Team	To: The Licensing Team
Case reference: WK/578366 Application: PREMISES LICENCE – NOYA LONDON LIMITED, 454 - 460 WEST GREEN ROAD, LONDON N15 3PT	

APPLICATION FOR A PREMISES LICENCE: NOYA LONDON LTD, 454-460 WEST GREEN ROAD

The applicant has applied for a Premises Licence for Noya London Ltd and specifically an extension of the hours currently detailed on their existing licence (ref: LN/000026986), issued on 21st August 2023.

The Licence Holder is Mr Yildirim Yaman.

Current Licence	Hours requested in the application
Regulated Entertainment: Recorded Music Monday to Friday 0900 to 2300 hours Saturday 0900 to 2330 hours Sunday 0900 to 2200 hours	Regulated Entertainment: Recorded Music Monday to Sunday 0900 to 0000 hours
Late Night Refreshment Monday to Sunday 2300 to 0000 hours	Late Night Refreshment Monday to Sunday 2300 to 0000 hours
Supply of Alcohol Monday to Friday 0900 to 2300 hours Saturday 0900 to 2330 hours Sunday 0900 to 2200 hours	Supply of Alcohol Monday to Sunday 0900 to 0000 hours
On premises only.	On and Off premises
Hours open to Public Monday to Friday 0900 to 2300 hours Saturday 0900 to 2330 hours Sunday 0900 to 2200 hours	Hours open to Public Monday to Sunday 0900 to 0030 hours

The applicant has requested the facility for the provision of recorded music (as the principal entertainment provided or in conjunction with dancing or any other permitted activity) and seeks to be able to provide facilities for late night refreshment as may be required from time to time to complement other activities provided. The applicant has also included amended conditions relating to the use of the rear external area, and

1. requesting an extension of the hours this is used until midnight,
2. requiring the roof to be closed at 2200hours and no shisha offered after this time,
3. and restricting the music played in this area to background levels only. Noise in the area to be controlled by a sound limiting device.

Taking the above into consideration the Noise and Nuisance Team, as Responsible Authority under the Licensing Act 2003 (and with reference to the Licensing objective for the Prevention of Public Nuisance) make the following representation.

The applicant applied for a variation of condition 3 of their planning permission granted to increase their opening hours to 9:00 am - 12:00 am Sunday to Thursday and 9:00 am - 1:00 am Friday to Saturday. The application (ref: HGY/2023/1409) was refused. The extended hours sought in this application are likely to undermine this decision if granted.

Section 14.65 of the Revised Guidance issued under section 182 of the licensing Act 2033 states” There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee”.

We are recommending refusal of the application for the following reasons:

The hours being sought are likely to increase the potential for public nuisance (extending the current hours by up to 2 additional hours within 1 month of the provision of the first premises licence). The proximity to residential property is a concern we raised in our initial representation for their first licence. We compromised by securing an agreement about restricted hours for the use of the external area.

Since they have started operating the council has received the following complaints:

Date and Time	Issue	Council action
19/8/23 at 00:24hours	Complaint of loud music from premises.	Council contacted reporter but unable to arrange visit to assess. No action possible.
08/09/23 at 21:57hours	Anonymous report of loud music from Noya.	Council unable to contact reporter.
9/9/23 at 22:40hours	Anonymous report of loud music from Noya.	Visit made at 23:12, observed patrons leaving

		premises but no music was audible at street level.
21/9/23 at 01:29	Anonymous report of loud music from Noya. States occurs daily.	Unable to visit to assess noise before shift ended.
23/09/23 at 00:15hours	<p>I visited NOYA proactively. No music could be heard from street level and officer observed patrons leaving. The shutters were still open and inside staff were preparing to leave. In the lounge area at the rear about 8-10 people at three different tables were still seated, smoking the shisha with the retractable roof completely closed.</p> <p>A member of staff was approached and told that, at half past midnight, the premises was open beyond the permitted. They were advised this was a breach of their licence condition. Mr Yildrim Yaman (the manager/ DPS) approached and was advised of the same, the risk to their application of non-compliance what they must do to prevent further enforcement action.</p>	
24/09/23 at 00:10hours	<p>The council revisited Noya to check compliance. At 00:10 hrs arrived and noted some customers leaving. Inside the lounge area was almost a capacity with many patrons using shisha at their tables. The retractable roof was closed and the air in the premises smoke-filled. The manager/ DPS Mr Yildrim Yaman came warnings issued about these additional breaches of the Licensing Act 2003 and the Smoking Regulations. Mr Yildrim Yaman countered this by querying the licensing condition and was referred back to the specific conditions in the licence regarding the use and closure of the shisha area.</p> <p>Further enforcement action is now pending following those breaches.</p>	
26/09/23 at 20:46hours	Complaint of loud amplified music from Noya made. Says logged complaint on 22/9/23. Provided 30 second video recording of noise.	Report made outside council service hours so no visit possible. Recording too short in duration to verify source. No action possible.
26/09/23 at 20:46hours	Complaint of loud amplified music from Noya made. States occurs several times a week	Report made outside council service hours so no action possible. Complaint logged.
27/9/23 at 07:32hours	Complaint of loud amplified music logged by council	Report made outside council service hours so no action possible. Complaint logged.

Although we have not substantiated the complaints made by residents to date we have raised concerns about non-compliance practices we observed on the 23rd and 24th September 2023 and this does not instil in us confidence that the applicant will comply with conditions set and / or any noise controls imposed should permission for extended hours be granted.

A Resident told us : *“The primary issue I wish to address is the excessive noise generated by Noya, particularly during weekends. The loud music emanating from the establishment has become a persistent disturbance for the residents in the surrounding area, depriving us of our right to enjoy peace and quiet in our homes. The amplified music, often played at high volumes and unreasonable bass levels, disrupts our sleep and overall well-being”.*

The current licence has only been granted for the last 5 weeks so we have not have the opportunity to substantiate complaints or monitor the operators compliance.

We note here the Planning Application for the premises in which a condition has been applied to restrict the operating hours of the premises. 09:00 hours or after 23:00 hours Monday to Friday, before 9:00 or after 23:30 Saturday, before 09:30 hours or after 22:00 hours Sundays and Bank Holidays. To safeguard the amenity of local residents.

As a result of the above I recommend the application is refused on the grounds we have concerns about their ability to maintain and uphold the licencing objection for the prevention for public nuisance.

Jennifer Barrett
Noise & Nuisance Manager